

Standards of Conduct
181-CCFS-C15 / Version 1
Effective Date Not Assigned

SECTION I. ADMINISTRATIVE DATA

**All Courses
Including This
Lesson**

<u>Course Number</u>	<u>Version</u>	<u>Course Title</u>
None		

**Task(s)
Taught(*) or
Supported**

<u>Task Number</u>	<u>Task Title</u>
None	

**Reinforced
Task(s)**

<u>Task Number</u>	<u>Task Title</u>
None	

Knowledge

<u>Knowledge Id</u>	<u>Title</u>	<u>Taught</u>	<u>Required</u>
None			

Skill

<u>Skill Id</u>	<u>Title</u>	<u>Taught</u>	<u>Required</u>
None			

**Administrative/
Academic
Hours**

The administrative/academic hours required to teach this lesson are as follows:

<u>Academic</u>	<u>Resident Hours / Methods</u>		
No	2 hrs	30 mins	Briefing
Yes	0 hrs	0 mins	Test Review
Yes	0 hrs	0 mins	Test
<hr/>			
Total Hours:	2 hrs	30 mins	

**Test Lesson
Number**

<u>Hours</u>	<u>Lesson Number</u>
None	

**Prerequisite
Lesson(s)**

<u>Lesson Number</u>	<u>Lesson Title</u>
None	

**Training
Material
Classification**

Security Level: This course/lesson will present information that has a Security Classification of: U - Unclassified.

**Foreign
Disclosure
Restrictions**

FD5. This product/publication has been reviewed by the training/educational developers in coordination with the The Judge Advocate General's Legal Center and School, Charlottesville, VA 22803 FD authority. This product is releasable to students from all requesting foreign countries without restrictions.

References

<u>Number</u>	<u>Title</u>	<u>Date</u>	<u>Additional Information</u>
None			

**Student Study
Assignment**

None

Instructor Requirements

Absent exceptional circumstances, this lesson should be taught by a judge advocate. MOS 27A judge advocate.

Additional Support Personnel Requirements

<u>Name</u>	<u>Student Ratio</u>	<u>Qty</u>	<u>Man Hours</u>
None			

Equipment Required for Instruction

<u>ID - Name</u>	<u>Student Ratio</u>	<u>Instructor Ratio</u>	<u>Spt</u>	<u>Qty</u>	<u>Exp</u>
None					

Materials Required*Instructor Materials:*

DoD Directive 1300.7 Training and Education To Support the Code of Conduct (CoC); 21 November 2003

DoD Instruction Code of Conduct (CoC) Training and Education; 08 January 2001

Student Materials:

None

Classroom, Training Area, and Range Requirements

None

Ammunition Requirements

<u>DODIC - Name</u>	<u>Exp</u>	<u>Student Ratio</u>	<u>Instruct Ratio</u>	<u>Spt Qty</u>
None				

Instructional Guidance

NOTE: Before presenting this lesson, instructors must thoroughly prepare by studying this lesson and identified reference material.

None

Proponent Lesson Plan Approvals

<u>Name</u>	<u>Rank</u>	<u>Position</u>	<u>Date</u>
None			NO DATA

SECTION II. INTRODUCTION

Method of Instruction: Briefing
Instr Type(I:S Ratio/Qty): 27A(null:null/0)*
Time of Instruction: 15 mins
Instructional Strategy: Lecture
Note: Marked as (*) is derived from the parent learning object

Motivator

Note: Show Slide 1

Standards of Conduct

Pre-Command Legal Orientation

Note: Show Slide 2

Outline

- Recent Examples
- Use of Government Resources
- Gifts
- Travel & Transportation
- Family Readiness Groups
- Non-Federal Entities

Pre-Command Course – Standards of Conduct



This is the proposed agenda for this hour-long block of instruction.

1. We will discuss some recent examples where some senior leaders ran afoul of the established standards of ethical conduct set forth in both federal law and the joint ethics regulation.
2. I will discuss the proper use of government resources with a specific focus on the use of non-tactical vehicles.
3. As a commander, your organization, and your FRG will be offered a variety of different gifts and benefits throughout your tenure as a company commander. There are a variety of different rules, exceptions and exclusions that apply to these situations and it is important for you to understand some of the basic gift acceptance authorities.
4. Travel and transportation is an issue that has generated a lot of attention in the past several years so it is important that you understand the underlying rules and principles that apply when travelling at government expense.
5. As an official arm of the command, your FRG is bound by the joint ethics regulation and several other important Army regulations. We will discuss the main regulations that will impact FRG operations.
6. Finally, we will conclude this brief with a discussion on the rules and restrictions that apply when you are dealing with or supporting non-federal entity events. A non-federal entity is any organization that is not directly controlled by the federal government. One of the best examples is AUSA, but there are many others.

"ALWAYS call your judge advocate when you have questions or concerns. Train your staff to

call your judge advocate.

Often, your judge advocate will be willing to come and train your staff."

**Terminal
Learning
Objective**

NOTE. Inform the students of the following Terminal Learning Objective requirements.

At the completion of this lesson, you [the student] will:

Action:	Standard of Conduct
Conditions:	None.
Standards:	None.

**Safety
Requirements**

None.

**Risk Assessment
Level**

None

**Environmental
Considerations**

NOTE: Instructor should conduct a Risk Assessment to include Environmental Considerations IAW FM 3-34.5, Environmental Considerations {MCRP 4-11B}, and ensure students are briefed on hazards and control measures.

NOTE: It is the responsibility of all Soldiers and DA civilians to protect the environment from damage.

Evaluation

NOTE: Describe how the student must demonstrate the accomplishment of the TLO. Refer student to the Student Evaluation Plan.

**Instructional
Lead-in**

Note: Show Slide 3

Essentials

- Seek Counsel from Your Attorney
- Train Spouses & FRG Leaders
- Ethical Violations Occur at All Levels



If nothing else, I think that there are three things that you should take away from this course. First, include your attorney in staff planning and the military decision making process. More importantly, train your staff to include your attorney .

****ALWAYS call your lawyer when you have questions or concerns... **train your staff to call your lawyer – or even better, have your lawyer come in and train your staff -- your 3, 4, 1, SGM, and secretary as to what issues they need to be aware of when it comes to gifts you might receive at a function, private organizations at the unit, and activities within your unit. A good relationship between your staff and attorney can head off many problems without your involvement.**

****Another great idea to nip potential issues in the bud, is to have your attorney provide training to the spouses at a coffee. There are certain areas of the Joint Ethics Regulation that impute your spouse's acts to you – so if they aren't aware of the rules, they can unknowingly get you in trouble. For example, the acceptance of gifts. You return home from deployment and find in your family room a state of the art 42" flat screen plasma TV. You are in shock , happy, but in shock. You turn to your spouse and ask, "where did this come from?" Your smiling spouse tells you that she asked the local electronics store to donate the TV in recognition for your service to the nation. Clearly, the gift was given because of your position and thus, your spouse's gracious acceptance, from a prohibited source, is imputed to you. Not good – your gift will now become your purchase. Touchy topics such as when they can ride in a govt vehicle, accept gifts, and conduct day trading with companies you are dealing with can be addressed by your attorney to help spouses make informed decisions. **As you can see, training is a key to success for you and your unit.**

Finally, ethical violations are occurring at all levels from private to general officer. Ranging from the well-intentioned, minor infractions all the way to wholesale bribery and corruption these violation are occurring throughout the Army and when they are uncovered they create substantial problems not only for the careers of those directly involved but they also detract from the mission of the organization. Sometimes, the hardest part is identifying the issues and problems before they arise. This is where your attorney can help.

SECTION III. PRESENTATION

NOTE: Inform the students of the Enabling Learning Objective requirements.

A. ENABLING LEARNING OBJECTIVE

ACTION:	Senior Leader Investigations
CONDITIONS:	None.
STANDARDS:	None.

ELO A - LSA 1. Learning Step / Activity ELO A - LSA 1. Senior Leader Investigations

Method of Instruction: Briefing

Instr Type(I:S Ratio/Qty): 27A(/0)*

Time of Instruction: 0 hrs 10 mins

Instructional Strategy: Lecture

Media Type: PowerPoint Presentation

Security Classification: This course/lesson will present information that has a
Security Classification of: U - Unclassified.

Note: Marked as (*) is derived from the parent learning object

Note: Show Slide 4

Senior Leader Investigations

Non-Federal Entities (NFEs)

- Appearing in public in official capacity to endorse an NFE
- Pressuring subordinates to join or participate in an event

Fundraising

- Encouraging participation in NFE fundraising
- Appearing at NFE fundraising event in uniform

Gifts

- Accepting farewell gift (pistol) valued at over \$700.00
- Accepted travel expenses from NFE as cash

Pre-Command Course – Standards of Conduct



Each year the department of defense standards of conduct office publishes the encyclopedia of ethical failures. This publication chronicles the major ethical violations that occur DoD wide and it provides a good snapshot of some of the problems other

leaders have encountered. From the encyclopedia and several different IG investigations I have distilled some common trends that seem to reoccur every year. As we go through the brief I will discuss the rules that apply to each of these cases, but I wanted to give you an overview of the common issues that exist in this area of practice.

1. On this slide you will see that leaders continue to encounter problems in their dealings with NFEs. Whether it is appearing in an official capacity to endorse a NFE or compelling subordinates to participate in NFE events or fundraisers, it is clear that many leaders don't understand the limits of the support and interaction that we can legally have with NFEs.

2. Gifts is always an issue and there are several cases where senior leaders improperly accepted gifts from various sources. In the case of the pistol, at his change of command a brigade commander was presented with a mounted pistol. The pistol exceeded the maximum value that he was authorized to accept and, therefore, the brigade commander ended up paying for the gift out of his own pocket. This is rarely a good situation. The commander didn't want to refuse the gift that his Soldiers had contributed to. And, on the other hand, he didn't want to pay \$700 for his own departing gift. A clearer understanding of the rules by all parties could have alleviated this unfortunate situation.

Note: Show Slide 5

Senior Leader Investigations

Use of Government Resources

- Using aide/subordinates to perform personal tasks
- Using non-tactical vehicle for unofficial purposes
- Using official mail for unofficial events

Travel and Transportation

- Scheduling other "official event" to justify otherwise unauthorized spousal travel



The improper use of government resources continues to cause problems for both

junior and senior leaders. Whether it is using the NTV to travel between home or work or improperly compelling subordinates to perform personal tasks, some leaders have used their access to government resources for their own personal gain.

Check on Learning: None.

Review Summary: None.

CHECK ON LEARNING (ELO A): None.

REVIEW SUMMARY(ELO A): None.

B. ENABLING LEARNING OBJECTIVE

ACTION:	Use of Government Resources
CONDITIONS:	None.
STANDARDS:	None.

ELO B - LSA 1. Learning Step / Activity ELO B - LSA 1. Use of Government Resources

Method of Instruction: Briefing

Instr Type(I:S Ratio/Qty): 27A(/0)

Time of Instruction: 0 hrs 10 mins

Instructional Strategy: Lecture

Media Type: PowerPoint Presentation

Security Classification: This course/lesson will present information that has a
Security Classification of: U - Unclassified.

Note: Show Slide 6



Use of Government Resources (1 of 3)

General Rule: Federal Government resources are for official use only

- Includes:
 - Telephones,
 - Computers,
 - NTVs
- Also Consider: Personnel are resources



•**General Rule.** Employees must protect and conserve government property and use it (or allow its use) only for authorized purposes.

- Employees have a duty to protect and conserve federal property (Principle 9) and must refrain from using or allowing its use for purposes other than those for which it is made available to the public or those authorized in accordance with law or regulation (5 C.F.R. 2635.704).

- The JER (2-301) states "Official use includes emergency communications and communications that the DoD Component determines are necessary in the interest of the Federal Government."

- Official use also includes health, morale, and welfare (HMW) communications by military members and DOD employees who are deployed in remote or isolated locations for extended periods of time on official DOD business. When authorized by the theater combatant commander, the theater commander will institute local procedures to authorize HMW communications when commercial service is unavailable or so limited that it is considered unavailable. HMW calls may be made only during nonpeak, nonduty hours and should not exceed 15 minutes once per week. The commander may authorize calls that exceed this limit and frequency on an exception basis.

CELLPHONES: These types of telephones will not be used in lieu of established "wired" telephones. These devices are to be used for official business and authorized use only and may be approved for handheld portable use and/or installed in Government vehicles. Official use of these phones will be limited to requirements that cannot be satisfied by other available telecommunications methods and are authorized when warranted by mission requirements, technical limitation, feasibility, or cost considerations. Authorized personal use of cellular phones is subject to the same restrictions and prohibitions that apply to other communications systems.

- Examples of appropriate applications for these telephones are as follows:

- (a) Emergency management and emergency restoration situations.

- (b) Specifically designated projects and/or mission-unique requirement (for example, work being performed in geographically remote areas, or work where continuous communication is required).

- (c) Safety of personnel, unit or organization security.

- (d) Fly-Away or Drive-Away kits/sets for contingency purposes.

- Cellular telephones are useful during emergencies but should not be considered the primary or total solution to emergency communications requirements due to inherent vulnerabilities and limitations of cellular technology.

- INTERNET:** The internet may be used for official government business. Some examples are searching for government purchases, travel, or any mission related research. The Early Bird is a good example of using the internet to keep abreast of military related news.

- The main issue regarding the use of the internet is overuse. Leaders must ensure that Soldiers do not over use the internet so that it impairs productivity.
- JER §2301a (2) “Authorized purposes include brief communications made by DoD employees while they are traveling on Government business to notify family members of official transportation or schedule changes. They also include personal communications from the DoD employee's usual work place that are most reasonably made while at the work place (such as checking in with spouse or minor children; scheduling doctor and auto or home repair appointments; brief internet searches; emailing directions to visiting relatives) when the Agency Designee permits categories of communications...”
- JER §2-301a(3) also states that “DoD employees shall use Federal Government Communications systems with the understanding that such use serves as consent to monitoring of any type of use, including incidental and personal uses, whether authorized or unauthorized. In addition, use of such systems is not anonymous. For each use of the internet over Federal Government systems, the name and computer address of the DoD employee user is recorded by the Government and also by the locations searched. “
- Gambling. It is improper for Soldiers to use the Government internet service to gamble.
- As we discussed, use of a system in a manner that would reflect negatively on DoD is prohibited. The JER specifically identifies “pornography; chain letters; unofficial advertising; soliciting or selling except on authorized bulletin boards established for such use; inappropriately handled classified information; and other uses that are incompatible with public service.”
- You may not use the government internet or email to run a private business.
- Many people ask about eBay. Can they check eBay while at work? The answer is probably yes for a one-time sale, checked during a break or lunch. However, if a Soldier is selling many items, that might be considered running a business and be prohibited.
- JER §2-301(d) “Do not put Federal Government communications systems to uses that would adversely reflect on DoD or the DoD Component (such as uses involving pornography; chain letters; unofficial advertising, soliciting or selling except on authorized bulletin boards established for such use; violations of statute or regulation; inappropriately handled classified information; and other uses that are incompatible with public service).”

Note: Show Slide 7

Use of Government Resources (2 of 3)

Exceptions: Personal use authorized IF:

- No adverse effect on duty performance
- Reasonable duration and frequency
- Legitimate public interest served
- Doesn't overburden communication systems
- No adverse reflection on DoD
- *No significant additional cost*

Pre-Command Course – Standards of Conduct



- Typically, official use is the straightforward issue; authorized use is where the questions typically come.
- Some authorized uses are specifically mentioned in the JER. "Authorized purposes include brief communications made by DoD employees while they are traveling on Government business to notify family members of official transportation or schedule changes. They also include personal communications from the DoD employee's usual work place that are most reasonably made while at the work place (such as checking in with spouse or minor children; scheduling doctor and auto or home repair appointments; brief internet searches; emailing directions to visiting relatives)." The C.F.R. provides an example: "an employee may make a personal long distance call charged to her personal calling card."
- Personal communications from the workplace are also authorized, if a supervisor determines that the communication (a) presents no adverse affect on official duty performance; (b) is of reasonable duration and frequency and made during personal time whenever possible; (c) serves a legitimate public interest; (d) presents no adverse reflection on DoD; and (e) creates no overburden of the communication system or creates no significant additional cost to DoD. Personal calls incurring a toll charge (long distance) to the Government are unauthorized.

Background:

- JER §2-301, Use of Federal Government Resources
- 5 C.F.R. 2637.704, Use of Government property

Note: Show Slide 8

Use of Government Resources (3 of 3)

Non-Tactical Vehicles

- Changes of command, promotions, retirements,
- Official participation in public ceremonies
- Spouses may accompany when space is available

Caution

- Duty to Domicile
- Use of NTV as a shuttle for intoxicated Soldiers
- Use of NTV to travel to commercial air terminal

Pre-Command Course – Standards of Conduct



1. There is no personal use exception for non-tactical vehicles, NTVs are for official use only. There are several common examples of what would constitute official use. Participation or observation of a change of command, unit activation or other official ceremony for members within the chain of command are considered official business internal to the Army and it would be appropriate to use an assigned NTV to travel from the duty station to the event.

2. Similarly, if you have been invited to speak or participate in a public event in your official capacity as a representative of the Department of the Army then you are authorized to use a NTV to travel to the event. A common example would be when you are invited to speak to a chamber of commerce or deliver a memorial day speech at a public event or school.

3. Finally, spouses may accompany you in the NTV as long as space is available. You cannot request a larger vehicle to accommodate your spouse and you are not authorized to deviate from the most direct route of travel to pick up your spouse, but if space is available he or she may accompany you in the NTV.

There are a couple of areas to exercise caution:

1. By statute, there are only two officials in DA that are authorized the use of a NTV to travel from home to work, the SA and CSA. All others are by very narrow exception. If you believe that you have a legitimate justification to use your NTV to travel home, before you use your NTV to travel home, consult your servicing JA to determine

2. In an effort to reduce the occurrence of DUI in their organizations, some commanders have allowed their CQ to use the NTV to pick up Soldiers who have become voluntarily intoxicated on the weekends. Generally, to use taxpayer dollars to

pick up a Soldier that has become voluntarily intoxicated is going to be considered an improper or unauthorized use of the NTV. Some units have established informal taxi funds where Soldiers are provided taxi cards that they can give to participating taxi companies. The cab driver will then return the Soldier to the barracks and can be paid out of the informal taxi fund. For a discussion in informal funds, see AR 600-20.

3. Finally, para. 4-6 of AR 58-1 details the criteria that must be met before you are authorized to use a NTV to travel to a commercial air terminal. You should ensure that you meet at least one of those requirements before you use your NTV for travel to a commercial terminal.

Check on Learning: None.

Review Summary: None.

CHECK ON LEARNING (ELO B): None.

REVIEW SUMMARY(ELO B): None.

C. ENABLING LEARNING OBJECTIVE

ACTION:	Gifts
CONDITIONS:	None.
STANDARDS:	None.

ELO C - LSA 1. Learning Step / Activity ELO C - LSA 1. Gifts

Method of Instruction: Briefing

Instr Type(I:S Ratio/Qty): 27A(/0)

Time of Instruction: 0 hrs 10 mins

Instructional Strategy: Lecture

Media Type: PowerPoint Presentation

Security Classification: This course/lesson will present information that has a
Security Classification of: U - Unclassified.

Note: Show Slide 9

Gifts

General Rule:

DOD employees shall not solicit or accept, directly or indirectly a gift from a prohibited source or because of their official position.

Pre-Command Course – Standards of Conduct



- Army personnel may not solicit or accept improper gifts. The best method to determine whether a gift is improper is to determine the status of the gift-giver. Different rules apply for different categories of gift-givers. Categories of gift-givers include: (1) Outside or non-federal sources, (2) fellow federal employees, and (3) foreign governments. We are going to focus on gifts from outside sources.
- Gifts from Outside Sources. Army personnel may not solicit a gift or accept a gift from an outside source if the gift is: (1) from a “prohibited source;” or (2) is given because of the employee’s official position. A “prohibited source” is any person, business, or organization that does business with the Army, seeks to do business with the Army, or seeks some official action by the Army. This generally means a government contractor but may also be a local club or organization that is seeking official action, such as permission to use a day room or other Army facility for a meeting. If you are involved in a purchasing action for the Army, the company you are doing business with is a prohibited source. A gift given because of your official position is just that, any offer of a gift that you believe is due to your status as a Soldier. For example, the local civic organization gives you a gold plated statue when you return from deployment.
- Gifts include: “any gratuity, favor, discount, entertainment, hospitality, loan forbearance, or other item having monetary value.”
- The bottom line is that it is generally prohibited for an Army employee to accept a job-related gift.
- Note, gifts given to your spouse or child are considered gifts to you under these rules. Accordingly, you should ensure that your family members are aware of the gift restrictions and that any gift given to them satisfies the rules.
- If you receive a prohibited gift you should: return or pay market value; if not practical to return because an item is perishable, it can be given to charity or shared in

recipient's office (ethics counselor approval); always consult your ethics counselor for gift disposal advice.

- The best suggestion I can provide you in regards to gifts is to have your lawyer train your staff, secretary and driver. They will often times become aware of any gifts prior to you finding out. Also, if possible, always touch base with your lawyer to make sure the gift meets the regulatory requirements.

Note: Show Slide 10

Gift Analysis: Is it a Gift

Exclusions:

- Coffee, Donuts & Other Modest Refreshments
- Greeting Cards & Items with Little Intrinsic Value
- Military Discounts Available to All Members

Pre-Command Course – Standards of Conduct



But some items do not qualify as gifts: Modest items of food and drink NOT intended as a meal (donut rule); greeting cards, opportunities and benefits/discounts etc. that are available to the public or the Army (geographic restrictions are ok); prizes or rewards from contests open to the public

So, anytime we are offered something of value we need to go through a three-step analysis to determine whether it is appropriate to accept the gift. The first question to ask is, is it a "gift?" Items with little intrinsic value intended solely for presentation, benefits available to all military personnel in a particular geographic area, and coffee and donuts offered during a meeting are examples of "nongifts." Gifts of cash or cash equivalent may not be accepted, regardless of amount, unless exception applies.

The most common exception is the donut rule. This is where an outside source provides some type of refreshment and snacks. The rule is, you may accept if the food is not "intended as a meal." You can make a meal of a dozen donuts, but the rule is not "intended as a meal."

Items of little intrinsic value may also be accepted. This comes up most often when you are invited to speak at an event and the host of the event provides you with a small token of appreciation. It may be a plaque with your name engraved on it and because of the engraving it would have little value to anyone other than you. In that case, you can accept the item because it is not considered to be a gift under the JER. You have to apply a little common sense here. For example, if you are provided with a Rolex watch with your name engraved on the back then you couldn't reasonably say that the watch has little value because of the engraving.

Check on Learning: None.

Review Summary: None.

ELO C - LSA 2. Learning Step / Activity ELO C - LSA 2. What is Source

Method of Instruction: Briefing

Instr Type(I:S Ratio/Qty): 27A(/0)

Time of Instruction: 0 hrs 10 mins

Instructional Strategy: Lecture

Media Type: PowerPoint Presentation

Security Classification: This course/lesson will present information that has a Security Classification of: U - Unclassified.

Note: Slide Show 11

Gift Analysis: What is the Source

1. Outside Source
2. Foreign Government
3. Employee



The source of the gift determines what type of analysis we use and whether or not you may except.

It is easiest to ask yourself, is it from a foreign government? Fellow employee?

If not, treat every other source as a potential outside source.

Note: Show Slide 12

Outside Source: Defined

Two Types of Outside Sources

1. Because of Official Position
2. Prohibited Source
 - Seeking Government Action
 - Conducting Business with Government
 - Interests Substantially Affected by Government

Pre-Command Course – Standards of Conduct



(a) A prohibited source is someone who does business with the employee's agency, seeks to do business with the agency, conducts activities regulated by the agency; or is an organization, a majority of whose members are prohibited sources.

(b) A gift given because of the recipient's official position is treated as a prohibited source gift.

Note: Show Slide 13

Outside Source: Exceptions

Common Exceptions:

- \$20/\$50 Rule
- Personal Relationship
- Widely Attended Gathering

Pre-Command Course – Standards of Conduct



Government employees can accept gift from outside sources as long as they are valued at less than \$20 per occasion not to exceed \$50 per calendar year. Best practice is to train aide to record all gifts in a “gift ledger.” This information contained in the ledger should include the fair market value of the gift, the name of the donor, and the date accepted. Remember that meals are gifts. A common occurrence is when you attend IPRs with a contractor. They might provide lunch at every quarterly IPR. The amount might be within the 20 limitation. However, you could easily exceed the 50 dollar limitation by not knowingly accepting three 20 dollar luncheons spread over the year’s IPRs.

You may accept gifts from outside sources if they are based on a close personal relationship that is independent of your official duties. The best rule of thumb is if you had a close personal relationship with the person prior to any official interaction you can probably accept the gift. However, keep in mind that issue of appearances. Your spouse may accept a gift of travel, for example, from her employer and you may attend so long as the gift is legitimately given to the spouse based solely on his or her outside employment.

Free attendance at a WAG is one of the most common exceptions you will face as a general officer. Essentially, the rules allow you to speak at or attend large gatherings of diverse groups of people where there will be an opportunity to exchange ideas relevant to your official duties. A meeting of federal and state government, media, and private citizens to discuss joint basing would probably be a good example of a WAG. You could accept a gift of free attendance at such a meeting. Prior to attending, however, you must meet with your ethics counselor and receive a written legal opinion finding that the event does, in fact, qualify as a WAG.

Check on Learning: None.

Review Summary: None.

ELO C - LSA 3. Learning Step / Activity ELO C - LSA 3. Employee Gifts

Method of Instruction: Briefing

Instr Type(I:S Ratio/Qty): 27A(/0)

Time of Instruction: 0 hrs 10 mins

Instructional Strategy: Lecture

Media Type: PowerPoint Presentation

Security Classification: This course/lesson will present information that has a Security Classification of: U - Unclassified.

Note: Show Slide 14

Employee Gifts: Exceptions (1 of 2)

Traditional Gift Giving Occasions:

- Valued \$10 or less (no cash)
- Shared Refreshments
- Personal Hospitality at Residence
- Host / Hostess Gift

Pre-Command Course – Standards of Conduct



Example would be birthdays, Christmas, or other traditional gift giving events that occur on an annual basis.

Shared refreshments or food at a potluck are permissible because it is assumed that each individual has brought or paid for their fair share of the meal/event

Attending a dinner or luncheon at an employee's home is permissible. Note, however, that while the exception for personal hospitality applies between employees it does not extend to contractors and other outside sources. Thus, a contractor cannot host you in his home unless the \$20/\$50 exception would apply to the occasion.

Finally, if you host a holiday party or other reception in your home you may accept a gift from the attendees even if they are your employees as long as the gift is

appropriate to the occasion. Commonly, employees will bring a bottle of wine. The bottle of wine need not be less than \$10 but it should be appropriate to the occasion and \$10 is a good rule of thumb. It would be inappropriate, in most circumstances, to accept a \$100 bottle of wine. Moreover, consider the appearance. One GO hosted a holiday party and at the end of the night had 120 bottles of wine sitting on his dining room table. This creates an appearance problem.

Note: Show Slide 15

Employee Gifts: Exceptions (2 of 2)

Special Infrequent Occasions:

- \$300 limit per donating group
- \$10 limit on solicitation
- Voluntary contributions
- No buy down
- No splitting of gifts
- Caution: Donating group mixing

Pre-Command Course – Standards of Conduct



This is the exception that allows for PCS gifts. Essentially anything that would terminate the superior subordinate relationship is considered a special, infrequent occasion.

On special, infrequent occasions, subordinates may give a gift to a superior "appropriate to the occasion."

(a) Infrequently occurring occasions of personal significance such as marriage, illness, birth or adoption of a child, or death of family member (does not include a promotion unless the employee is also being transferred out of the chain of command).

(b) Occasions that terminate subordinateofficial superior relationship, such as retirement, resignation or transfer

(c) Value of gift **may never exceed \$300** from one "donating group." (But cost of food, refreshments, and entertainment provided to superior and his personal guests to mark occasion is not included in \$300 aggregate limit)

(d) An employee may not contribute as part of more than one donating group. If he

or she does, the different groups become one donating group.

An employee may solicit voluntary contributions of a nominal amount from fellow employees **only** for the following:

- (1) The occasional sharing of food and refreshments in the office; or
- (2) The gift for a special, infrequent occasion.
- (3) DoD Rule: Solicitations may not exceed the nominal amount of \$10; however, employees are free to give more than \$10. Any donation must be completely voluntary.

Gifts from an employee's spouse to another employee's spouse will be considered a gift between employees subject to the above rules, unless there is an independent basis for the gift to the spouse (e.g., a relative or a previous, long-standing friendship). Proper disposition of improper gift – official superior must either return the gift or pay fair market value for the gift to the donating group.

There is no buy down for the gift. If you are offered a gift that is valued at \$400 you could not pay the donating group \$100 simply to get the gift under the \$300 threshold. In that case, you would have to refuse the gift or pay the full, fair market value (\$400) for the gift.

Also, you cannot split the gift into component pieces breaking it up among many donating groups to circumvent the rules. For example, if the gift was supposed to be a rifle, it would be improper for A company to buy the lower receiver and B company to buy the upper receiver, etc.

Contractor employees cannot contribute to a group gift for special/infrequent occasions. This is yet another distinction between gifts offered by outside sources and gifts offered by fellow employees. Thus, while contractor employees could pool their resources to present a separate, unsolicited gift valued at less than \$20; contractors are prohibited from comingling donations with service members regardless of the event, occasion, or value of the gift. This highlights the difference between 5 CFR 2635 Subpart B and 5 CFR 2635 Subpart C.

No prohibition against providing gifts for contractors with personal funds; however, **CONSIDER THE APPEARANCE!** Also, there are specific prohibitions against providing awards to contractors. **NO COMMANDER COINS.** Always consult the contracting officer prior to presenting an award as it may impact subsequent governmental contract actions.

Check on Learning: None.

Review Summary: None.

ELO C - LSA 4. Learning Step / Activity ELO C - LSA 4. Gifts to Wounded Soldiers

Method of Instruction: Briefing

Instr Type(I:S Ratio/Qty): 27A(/0)

Time of Instruction: 0 hrs 5 mins

Instructional Strategy: Lecture

Media Type: PowerPoint Presentation

Security Classification: This course/lesson will present information that has a Security Classification of: U - Unclassified.

Gifts to Wounded Soldiers

Acceptance of Gifts from Non-Federal Sources:

- Retroactive to September 11, 2001
- Must be unsolicited
- Gifts over \$350/\$1000 per source per year
 - Waiver Required

Pre-Command Course – Standards of Conduct



3-400. Acceptance of Gifts by Injured or Ill Service Members and Their Family Members. Pursuant to the authority at section 8127 of P.L. 109-148, the FY 2006 Defense Appropriations Act (reference (dd)), and notwithstanding 5 U.S.C. 7353 (reference (b)), 5 C.F.R. 2635 (reference (h)), and paragraph 1-300.b., above, covered DoD employees, described at subsection 3401, below, and the family members of such employees may accept unsolicited gifts from non-Federal entities subject to the following limitations:

- a. This authority does not apply to gifts from foreign governments and their agents.
- b. This authority does not apply to gifts that
 - (1) are accepted in return for being influenced in the performance of an official act;
 - (2) are solicited or coerced; or
 - (3) are accepted in violation of any other statute, including 18 U.S.C. sections 201(b) and 209 (reference (i)).
- c. For gifts with an aggregate market value in excess of "minimal value," as adjusted by the General Services Administration in accordance with 41 C.F.R. 102-42.10 (concerning gifts from foreign governments) (reference (ee)), per source per occasion, or with an aggregate market value exceeding \$1000 received from any one source under the authority of this subsection in a calendar year, an agency ethics official must make a written determination that:
 - (1) The gift is not offered in a manner that specifically discriminates among covered DoD employees merely on the basis of type of official responsibility or of favoring those

of higher rank or rate of pay;

(2) The donor does not have interests that may be affected substantially by the performance or nonperformance of the covered DoD employee's official duties; and

(3) Acceptance would not cause a reasonable person with knowledge of the relevant facts to question the integrity of DoD's programs or operations.

An agency ethics official may issue a blanket determination to cover all or any category of gifts or all or any group of DoD covered employees. This authority is in addition to, and in no way limits, any other statutory or regulatory authority of covered employees and their family members to accept gifts from non-Federal entities.

3-401.Covered DoD Employees. For purposes of this section, covered DoD employees are

a. members of the Armed Forces on active duty, as described at paragraphs 1211.b, 1-211.c, 1-211.d, and 1-211.e (except for duties and functions performed under the authority of title 32, United States Code), above, who

b. while on active duty on or after September 11, 2001 incurred an illness or injury, as described below:

(1) as described in 10 U.S.C. 1413a(e)(2) (reference (f)), which is currently

(a) as a direct result of armed conflict;

(b) while engaged in hazardous service;

(c) in the performance of duty under conditions simulating war; or

(d) through an instrumentality of war; or

(2) in an operation or area designated by the Secretary of Defense as a combat operation or a combat zone. The Secretary designates the following as combat zones under this subparagraph.

(a) any area designated by the President of the United States by Executive Order as an area in which U.S. Armed Forces are engaging or have engaged in combat;

(b) any area designated for treatment as a combat zone by Public Law, including P.L. 104-117 (reference (ff)); and

(c) any area certified by the Secretary of Defense for combat zone tax benefits for directly supporting military operations in combat zones.

Check on Learning: None.

Review Summary: None.

ELO C - LSA 5. Learning Step / Activity ELO C - LSA 5. Foreign Gifts

Method of Instruction: Briefing

Instr Type(I:S Ratio/Qty): 27A(/0)

Time of Instruction: 0 hrs 5 mins

Instructional Strategy: Lecture

Media Type: PowerPoint Presentation

Security Classification: This course/lesson will present information that has a
Security Classification of: U - Unclassified.

Note: Show Slide 17

Foreign Gifts

Personal Acceptance

- \$350 in U.S.
- Spouse Gift = To Employee

Acceptance on Behalf of United States Army

- Seek the advice of your judge advocate
- Consult the gift program coordinator

Pre-Command Course – Standards of Conduct



- DoD employees (including members of the uniformed services) MAY NOT request or encourage the giving of gifts from foreign governments.
- DoD employees MAY accept:
 - Gifts of "minimal value (not in excess of \$350 retail value at time of acceptance).
 - Value of the gift is the value it would have in the United States--not value at point of donation.
 - If more than one gift is given at one presentation from the same donor to an employee they constitute one gift; values must be aggregated.
 - Gifts from different officials of the same foreign government at the same presentation must be aggregated. If gifts are from different governmental levels (e.g., national, state, local, and municipal), aggregate the levels separately.
 - Gifts received at separate presentations, even on the same day and/or from the same foreign official, are separate gifts; their values are not aggregated.
 - Gifts to a DoD employee's spouse are deemed gifts to the DoD employee, and gifts from a foreign official's spouse are deemed gifts from the foreign official.
 - Gifts of travel (or expenses for travel) occurring entirely outside the United States, even if in excess of "minimal value."
- Gifts of more than "minimal value" may be accepted on behalf of the United States if refusing the gift would offend or embarrass the donor or adversely affect foreign relations. Gift becomes government property.

REFERENCES: a. U.S. Constitution, article I, § 9, cl.8. b. 5 U.S.C.A. § 7342; c. Title 41, Code of Federal Regulations, Parts 101-49 and 101-45; d. DoD 5500.7-R, Joint Ethics Regulation § 2-300b; e. DoD 1005.13, Gifts from Foreign Governments (20 Jul

96).

It is important to remember, that any gift to your spouse, whether from an outside source, foreign government, or fellow employee, must generally be considered as a gift to you. This is a reason for ensuring that spouses get SOC training.

The Army Gift Program Coordinator and your supporting JA can provide advice on meeting the requirements associated with accepting a gift on behalf of the US Army.

Check on Learning: None.

Review Summary: None.

ELO C - LSA 6. Learning Step / Activity ELO C - LSA 6. Improper Gifts

Method of Instruction: Briefing

Instr Type(I:S Ratio/Qty): 27A(/0)

Time of Instruction: 0 hrs 5 mins

Instructional Strategy: Lecture

Media Type: PowerPoint Presentation

Security Classification: This course/lesson will present information that has a Security Classification of: U - Unclassified.

Note: Show Slide 18

Dealing with Improper Gifts

- Refuse or return it
- Pay for it
- Perishable Gifts:
 - Give to MWR
 - Share within office
 - Destroy

Pre-Command Course – Standards of Conduct



Disposal of improper gifts. An Ethics Counselor may authorize any one of the following dispositions. (5 C.F.R. 2635.205).

(1) The gift may be converted to a gift to the agency, or to an appropriate morale, welfare and recreation activity.

- (2) If perishable, the gift may be consumed in the office where received.
- (3) The recipient may keep the gift, and pay the donor its cost.
- (4) The gift may be returned to the donor.

For financial disclosure filers, if the value of gifts from a single source is \$350 or more during a reporting period, they must be reported on the public (SF 278) or confidential (OGE Form 450) financial disclosure report.

Check on Learning: None.

Review Summary: None.

CHECK ON LEARNING (ELO C): None.

REVIEW SUMMARY(ELO C): None.

D. ENABLING LEARNING OBJECTIVE

ACTION:	Travel & Transportation
CONDITIONS:	None.
STANDARDS:	None.

ELO D - LSA 1. Learning Step / Activity ELO D - LSA 1. Travel Guidelines

Method of Instruction: Briefing
 Instr Type(I:S Ratio/Qty): 27A(/0)
 Time of Instruction: 0 hrs 10 mins
 Instructional Strategy: Lecture
 Media Type: PowerPoint Presentation
 Security Classification: This course/lesson will present information that has a
 Security Classification of: U - Unclassified.

Note: Show Slide 19

Travel & Transportation

- Funding
- Secretary of the Army Travel Policy
- Travel Benefits
- Premium Class Travel Rules
- Spousal Travel Rules

** Travel is a highly visible issue. There were six major FOIA requests and/or audits related to travel in 2010*

Pre-Command Course – Standards of Conduct



Travel is a highly visible issue that has drawn a lot of attention in the last several years. This is one area that you do not want to assume a lot of risk, you must understand the rules that exist and ensure compliance for both yourself and members of your command.

Note: Show Slide 20

Who Funds Travel

- Army
- Non-Federal Entity – 31 U.S.C. § 1353
 - Meeting or similar function
 - Government interest
 - Opinion from ethics counselor
 - Approved before travel
 - Do not accept cash from NFE

Pre-Command Course – Standards of Conduct



Ordinarily the Army will fund all official travel. However, under limited circumstances you can accept in-kind travel reimbursement from a non-federal entity.

1353 – An employee may accept, on behalf of his or her agency, a travel payment from a non-federal source to attend a meeting or similar function (41 cfr 304-5.1). The DOD Component DAEO or designee must concur with the acceptance of official travel benefits.

-Official duty/on TDY/Interest of GOV/no COI/

-APPROVED BEFORE TRAVEL

-1353 travel comes up most often when you are invited by an NFE to speak at an event outside of the local commuting area. In this case, they may offer to reimburse you for your travel related expenses. Section 1353 provides a mechanism for reimbursement but there are several requirements:

Prior to authorizing acceptance of an outside payment of official travel and related expenses, travel-approving authorities must consult with their own or the traveler's ethics counselor and obtain a written determination from that ethics counselor that acceptance is appropriate. Prior to travel, employees must have approval to accept payment from a non-federal source. Once travel has started, limited changes can be made.

In almost all cases, you must receive approval before you travel.

You can never accept cash or check directly from the NFE. They can make in-kind payments to travel providers but they can't pay you direct.

Every instance of 1353 travel must be reported.

Additional Conditions. In addition to the criteria at 41 C.F.R. §304, payment from a non-federal source for official travel expenses may be accepted when the following conditions are met:

- (1) The offer of travel expenses must be unsolicited and completely voluntary.
- (2) The gift may only be used for official travel.
- (3) The gift may only be used for conferences or similar functions. An offer of travel expenses to perform functions essential to an Army mission (such as inspections or oversight visits) or to attend sales presentations must not be accepted.
- (4) The gift of travel may not create a conflict of interest. The approval authority must determine that acceptance would not cause a reasonable person in possession of the relevant facts to question the integrity of Army programs or operations.

Note: Show Slide 21

Travel Benefits & Upgrades

Travel Benefits

- Frequent flyer miles belong to individual
- Can use frequent flyer miles to upgrade

Uniform Wear

- No uniforms in premium class

On-the-Spot Upgrades

- Unsolicited upgrade offers from airline

Pre-Command Course – Standards of Conduct



Government Policy is for Government Employees to fly coach class for official travel.

On a typical flight – you have coach, business, and first class.

However, if there are only two classes – then the higher class is considered premium class/first class. Any level of service above coach is considered a premium class of travel. Premium class travel at government expense always requires an exception to policy, discussed on next slide.

You have a responsibility to ensure that you arrange your travel plans in sufficient time to book coach class accommodations – no last minute “hope there are no seats” plan to get into premium class.

You can upgrade – out of pocket but not in uniform. If on the spot-upgrade, unsolicited from airline – may accept in uniform. However, be aware of gifts because of official position and also senior officials... appearances. If pre-approved premium travel – no uniform and cannot discuss DoD matters.

Frequent flyer miles accrued on official travel belong to the individual not the government.

Note: Show Slide 22

Premium Class Travel Rules

General Policy:

- Fly Coach, premium class travel at government expense always requires an exception to policy

First Class Travel

- Approved by Secretary of the Army

Business Class Travel

- AC, ASCC, DRU Commanders
- O-8/O-9 Deputy/Chief of Staff

Pre-Command Course – Standards of Conduct



As a general rule, you must travel in coach. There are a few limited exceptions such as if you have a medical condition that requires travel in an upgraded class (sometimes see this with back injuries or conditions), but ordinarily you will fly in coach.

When can you fly 1st class on official travel? You will never see it if you want Uncle Sam to pay for it. Only in specified and limited circumstances.

KEY: Always plan 1st class travel in advance, except for in extenuating circumstances or emergencies which makes advance authorization impossible. If cannot get pre-authorization, Eee must obtain written approval from appropriate authority at earliest time. If not justified, Eee responsible for additional costs beyond coach fare.

Approval for 1st Class travel is delegated to Service Secretaries who can further delegate. ARMY: Only SEC of Army can approve 1st class.

Circumstances Justifying 1st Class Travel:

-only first class accommodations are available (rare but maybe the case because of critical no-notice mission)

-other classes not “reasonably avail” – which means scheduled to leave within 24 hours before E’s proposed departure time, or will arrive up to 24 hours before E’s proposed arrival time.- no requirement to arrive late or leave earlier than completion of mission.

-exceptional security circumstances (includes danger to life or G property, agents of protective details accompanying individuals authorized 1st class, couriers and control officers accompanying controlled pouches and business class not avail)

-medically necessary: business class not avail, E “so handicapped or otherwise physically impaired that other accommodations cannot be used- requires substantiation from competent medical authority. (certif valid 6 months or duration of need whichever is shorter) Permanent disabilities require annual review by physician.

Premium class = Business Class (also extra-leg room or additional costs)

When ok? Pre-approval unless emergency etc – Approval levels vary by Service

-Coach class on foreign carrier do not provide adequate sanitation or health standards

– and use of foreign carrier approved.

-only premium avail – urgent and cannot postpone – no fault of the E

-necessary to accommodate E disability or other physical impairment (substantiated)

-security issues

-Required by mission – as a detail

-results in overall savings to G (cheaper than more TDY to catch next coach flight)

-possibly 1353 travel – NFE paying under limitations

-lengthy flight: direct flight between several time zones, OCONUS, urgent TDY,

>14hours, no rest

Note: Show Slide 23

Spousal Air Travel

Spousal Travel on Military or Commercial Air:

- Official Travel
 - Accompanying Spousal Travel
 - Other Spousal Travel
- Unofficial

Cannot approve travel of your own spouse

Pre-Command Course – Standards of Conduct



Official Travel

Accompanying Spousal Travel on military or commercial aircraft at Gov't expense with proper approval

Participate in an official capacity at an unquestionably official function

Presence at an official function is deemed to be in the national interest because of a:

Diplomatic Benefit to the U.S.

Public Relations benefit to the U.S.

NO PER DIEM/ must have ITA (reimburse only for travel)

4star **** approval.

Travel with sponsor unless – unplanned or unanticipated schedule change compelling sponsor to fly separately.... Or due to other official business requirements it is more economical for sponsor to meet spouse at destination and then spouse returns home.

Other Spousal Travel:

Unaccompanied, Independent spouse travel is authorized when:

Attending a service-endorsed training course or briefing and the spouse will provide subsequent volunteer services incident to the training. Service endorsed training refers to an endorsement through Army G-3/5/7 that a course is approved for spousal travel. Without that endorsement spousal travel to a training course at government expense IS NOT authorized.

Conferring with DoD officials on DoD matters as subject matter experts. If your spouse happens to be a SME in a particular area then she can be extended an ITA just as we would any other guest speaker or SME.

Finally, when the spouse or other qualified individual has been selected to serve as a member of the delegation to an official conference concerning Army Family Programs or Quality of Life issues, then the activity that is sponsoring the conference may authorize the sending command to issue an Invitational Travel Authorization (ITA) (per diem authorized) for that spouse's travel if all of the following conditions apply:

(1) The activity that is sponsoring the conference is commanded by an official in the rank of Major General (or civilian equivalent) or above. The MG or higher ranked sponsor of a conference should be acting in a significant role and not simply as an authorizing signature authority for the purposes of compliance with this section. A significant role can be defined as keynote speaker, key attendee, or similar participation role.

(2) The conference has a substantive agenda aimed at affording the Army Secretariat or Army leaders guidance, advice, and testimony that is essential to the process of developing effective policies pertaining to family, education, health care, retention, and other issues related to the well-being of our soldiers and their families.

(3) The conference's established objective is to render a discernible substantive product, such as a set of policies, a strategic plan, or an action plan.

(4) The agenda requires full-time participation by each delegate to ensure that it completes its agenda and accomplishes its established objective.

(5) The process for selecting delegates conforms to Army regulatory guidance and the slate of delegates has been approved, in writing, by the sponsoring Commander.

NOTES: In no case may the spouse of a Soldier or DA civilian employee be authorized separate reimbursement for the lodging portion of per diem if the Soldier or civilian employee is on TDY to the same conference, is concurrently on TDY in the same commuting area of the conference, or resides within commuting distance to the conference site. For the purpose of this policy, spouses attending as Subject Matter Experts (SME) must comply with the following conditions: Any spouse, regardless of Army Directive 2007-01 25 January 2007 25 rank or position of sponsor, must be documented fully if they are attending as a SME. If the spouse has been identified as a SME, documentation must clearly state the unique training, knowledge or educational

achievement in the specific subject area that the spouse has gained so as to elevate them above other attendees for special consideration as a SME. The role of spouse alone is not sufficient to allow SME status.

UNOFFICIAL TRAVEL on MILAIR

Spouses may accompany their sponsor when on official business in a G aircraft on a Space Available basis only when:

- (1) Aircraft is already scheduled for an official purpose
- (2) The non-interference use does not require a larger aircraft than needed for official purpose
- (3) official travelers not displaced
- (4) It results in negligible cost to G
- (5) And G is reimbursed at FULL COACH RATE
 - (1) Attach personal check to the voucher made out to the US Treasury
 - (2) Include travel office printout that reflects full coach fare
 - (3) Must be pre-approved in writing

Check on Learning: None.

Review Summary: None.

CHECK ON LEARNING (ELO D): None.

REVIEW SUMMARY(ELO D): None.

E. ENABLING LEARNING OBJECTIVE

ACTION:	Family Readiness Groups
CONDITIONS:	None.
STANDARDS:	None.

ELO E - LSA 1. Learning Step / Activity ELO E - LSA 1. Family Readiness Groups

Method of Instruction: Briefing
Instr Type(I:S Ratio/Qty): 27A(/0)
Time of Instruction: 0 hrs 10 mins
Instructional Strategy: Lecture
Media Type: PowerPoint Presentation
Security Classification: This course/lesson will present information that has a
Security Classification of: U - Unclassified.

Note: Show Slide 24

Family Readiness Groups

Resources For Official FRG Mission:

- Office space, computers, office equipment
- Paper and printing supplies
- Official mail
- Use of NTVs
- Childcare for command-sponsored training

Pre-Command Course – Standards of Conduct



The FRG is a unit commander's program formed in accordance with AR 600–20. Normally FRG will be established at the company level, with battalion and brigade levels playing an important advisory role. FRG are not a morale, welfare, and recreation program; a NAFI, a private organization; or a nonprofit organization. *An FRG is a command-sponsored organization of Soldiers, civilian employees, Family members (immediate and extended) and volunteers belonging to a unit. FRG will provide mutual support and assistance, and a network of communications among the Family members, the chain of command, and community resources. FRG will assist unit commanders in meeting military and personal deployment preparedness and enhance the Family readiness of the unit's Soldiers and Families. They will also provide feedback to the command on the state of the unit "Family."*

Family readiness is the mutual reinforcement and support provided by the unit to Soldiers, civilian employees, and Family members, both immediate and extended.

Unit commanders will ensure that their FRG appeal to all service members, civilians, and Family members regardless of rank structure or Family size, composition, language spoken, and other characteristics. Commanders will seek FRG leaders who are particularly adept at energizing both officer and enlisted corps' Families. FRG that do not reflect their unit's demographics or have a high level of Family participation will be reevaluated to address impediments that exist toward creating a balanced and representational FRG. Typical issues could be FRG meeting times, unmet child care needs, FRG activities that do not match FRG member needs, FRG that do not provide training programs relevant to FRG Family needs, and other Family support issues. As an official mission and arm of the command, FRG mission-essential activities are supported using the unit's appropriated funds, excluding BA11/OPTempo. FRG mission-essential activities authorized appropriated fund support may not be supported with NAFs. FRG missionessential activities may not be augmented with private money.

Such augmentation may be a violation of 31 USC 1345. FRG appropriated fund resources MAY NOT be used to support private organization activities, internal fundraisers, or commercial ventures.

Note: Show Slide 25

FRG Informal Fund



- One Fund Per FRG
- Command Approval
- Non-interest bearing
- Treasurer and Alternate
- Personally liable
- Annual report to first O-6

Pre-Command Course – Standards of Conduct



Commanders may authorize their FRG to maintain one informal fund in accordance with AR 600–20. No more than one FRG informal fund per unit may be authorized. Informal funds are private funds generated by FRG members that are used to benefit the FRG membership as a whole. FRG informal funds may not be deposited or mixed with appropriated funds, unit MWR funds, the unit's cup and flower funds, or any individual's personal funds. The expenditure of informal funds will be consistent with Army Values, DOD 5500.7–R, and AR 600–20.

Examples of authorized use of informal funds include FRG newsletters that contain predominantly unofficial information and purely social activities, including, but not limited to, parties; social outings, volunteer recognition (not otherwise funded with APFs), and picnics.

Examples of unauthorized use of FRG informal funds include augmenting the unit's informal funds (the unit's cup and flower funds); purchasing items or services that are authorized be paid for with appropriated funds; purchasing traditional military gifts, such as Soldier farewell gifts that are not related to Family readiness; and funding the unit ball.

Fund custodian. The unit commander will sign a letter designating a fund custodian

(treasurer) and an alternate.

The fund custodian and alternate must not be the unit commander, a deployable Soldier, or the FRG leader. The fund custodian is responsible for informal fund custody, accounting, and documentation.

(1) The FRG informal fund custodian and alternate are personally liable for any loss or misuse of funds.

(2) After designation of the informal fund custodian, the custodian may establish a noninterest bearing bank account under the FRG's name (never the individual's name). The commander will authorize opening the account and prepare a letter naming the fund's custodian and alternate as persons authorized to sign checks drawn on the account. The commander will not be a signatory on the account.

(3) The informal fund custodian will provide informal fund reports to the unit commander monthly and as requested. An annual report on the FRG informal fund activity will be provided to the first colonel (O-6) commander or designee in the unit's chain of command no later than 30 days after the end of the calendar year. These reports will summarize the informal fund's financial status, to include current balance, total income, and an itemized list of expenditures along with an explanation showing how the expenditures are consistent with the purpose of the FRG informal fund as established in the SOP.

(4) Although not required, commanders may consider requiring the FRG informal fund to be bonded in accordance with the procedures of AR 210-22, paragraph 3-2b.

The Family Readiness Groups informal fund standard operating procedures. All FRG informal funds will have an SOP. This document memorializes the FRG members' determination of the purpose of the FRG informal fund. The SOP may be a one-page document and must include—

(1) The FRG name.

(2) A description of the FRG's informal fund purpose and functions and a summary of its routine activities. For example, "The FRG's informal fund purpose and function are to provide support and recognition to FRG members during the following life events: births, birthday parties, new member welcome parties, departing member farewell parties, holiday parties, and so on."

(3) The following statement must be included in the FRG informal fund SOP: "This FRG informal fund is for the benefit of the FRG members only and is established exclusively for charitable purposes and to provide support to Soldiers and Family members as the Soldiers and Families adapt to Army life. It is not a business and is not being run to generate profits. It is not an instrumentality of the United States Government."

(4) The FRG informal fund SOP must be approved by the unit commander and a majority of the FRG members. It will be signed at a minimum by the FRG leader, the fund custodian (treasurer), and the alternate fund custodian. (A sample informal fund SOP is included in Operation READY training materials.)

Note: Show Slide 26

Informal Fund Limit



Pre-Command Course – Standards of Conduct



Informal fund cap. FRG are not established to raise funds, solicit donations, or manage large sums of money.

They are not equipped to handle the complex tax ramifications and stringent accounting requirements that can result from excessive informal funds. FRG informal funds will therefore not exceed an annual gross receipt (income) cap of \$10,000 per calendar year from all sources, including fundraising, gifts, and donations. Unit commanders may establish a lower annual income cap. This is a two-part cap. You can't raise more than \$10K in a calendar year and your fund can never exceed \$10K.

(1) State and local laws and the requirements of Status of Forces Agreements may make a lower FRG informal fund cap necessary at some locations within or outside the continental United States. Commanders and fund custodians will consult their Staff Judge Advocates to ensure that FRG informal funds comply with all local requirements.

(2) FRG informal funds may only be raised and maintained for specific planned purposes consistent with the purpose of the informal fund. If the purpose of the fundraising event is inconsistent with the FRG informal funds SOP, commanders will not approve the fundraising event.

(3) The FRG informal fund ledger will reflect the costs earmarked for the planned event. For example, if an FRG is planning a holiday party with a planned cost of \$3,000, the ledger might reflect the following costs: dinner \$2,100; hall rental \$250; and band \$650.

FRG: Fundraising

Fundraising:

- Not Off-Installation
- On-Post with Approval

Potential Conflicts

- Travel
- Private Orgs.

Pre-Command Course – Standards of Conduct



Gifts to Family Readiness Groups informal funds. Unit commanders may accept an unsolicited gift or donation of money or tangible personal property of a value of \$1,000 or less for its FRG informal fund after consultation with the unit ethics counselor.

Unsolicited gifts or donations to the FRG informal funds are considered income and impact the FRG informal fund annual income cap of \$10,000.

Gifts offered to an FRG informal fund that exceed \$1,000 may be accepted into the installation supplemental mission fund to be used for the benefit of all FRGs. Consult with your JA for further details as to how this will work.

In addition, FRGs may build informal funds through fundraising. All fundraisers must be conducted IAW AR 600-29 and approved by the commander. As an official activity of the DA, the FRG may not engage in external fundraising and may not solicit gifts and donations. However, in accordance with AR 1–100 and with the advice of the ethics counselor, commanders and FRG leaders may, in response to an appropriate inquiry, inform potential donors of the needs of the Army in relation to assisting Army Families. Purpose of fundraising must be consistent with the approved SOP

Internal fundraising only

FRGs may fundraise from its own community members or dependents and from all persons benefiting from the FRG. (AR 608-1, J-7d)

Army General Counsel 11 Jan 06 E-mail

Installation-wide fundraising (an installation may derive a benefit from the Brigade or

Unit FRG) but still must obtain the approval of the commander that controls the area where the fundraiser is to be held.

Note: Show Slide 28

FRG Funding Pitfalls

- Funding the Unit Ball
- Supplementing the Cup & Flower Fund
- Gambling Fundraisers

Pre-Command Course – Standards of Conduct



Commanders may authorize their FRG to maintain one informal fund in accordance with AR 600–20. No more than one FRG informal fund per unit may be authorized. Informal funds are private funds generated by FRG members that are used to benefit the FRG membership as a whole. FRG informal funds may not be deposited or mixed with appropriated funds, unit MWR funds, the unit's cup and flower funds, or any individual's personal funds. The expenditure of informal funds will be consistent with Army Values, DOD 5500.7–R, and AR 600–20.

Examples of authorized use of informal funds include FRG newsletters that contain predominantly unofficial information and purely social activities, including, but not limited to, parties; social outings, volunteer recognition (not otherwise funded with APFs), and picnics.

Examples of unauthorized use of FRG informal funds include augmenting the unit's informal funds (the unit's cup and flower funds); purchasing items or services that are authorized be paid for with appropriated funds; purchasing traditional military gifts, such as Soldier farewell gifts that are not related to Family readiness; and funding the unit ball.

FRG informal funds must be expended to benefit the entire FRG. AR 608-1 appendix J explicitly prohibits spending informal funds on the unit ball or to supplement the cup

and flower fund because the ball is not traditionally an FRG event designed to support or facilitate the mission of the FRG and supplementing the cup and flower fund would not benefit the entire FRG.

Also, ensure that all fundraising events comply with the state and local requirements including AR 600-29. Gambling fundraisers are usually not authorized. Talk to your JAG.

Check on Learning: None.

Review Summary: None.

CHECK ON LEARNING (ELO E): None.

REVIEW SUMMARY(ELO E): None.

F. ENABLING LEARNING OBJECTIVE

ACTION:	NFE
CONDITIONS:	None.
STANDARDS:	None.

ELO F - LSA 1. Learning Step / Activity ELO F - LSA 1. NFEs–Remember the Fundamentals

Method of Instruction: Briefing

Instr Type(I:S Ratio/Qty): 27A(/0)

Time of Instruction: 0 hrs 5 mins

Instructional Strategy: Lecture

Media Type: PowerPoint Presentation

Security Classification: This course/lesson will present information that has a
Security Classification of: U - Unclassified.

Note: Show Slide 29

NFEs–Remember the Fundamentals

In official capacity, Soldiers & DA Civilians must:

- Treat ALL NFEs the same
- NOT fundraise
- NOT endorse
- NOT solicit gifts

Exceptions:

- CFC and AER
- Disaster Appeals approved by OPM, and
- Army/DoD Employees/Family Members when conducting internal fundraising approved by Commander

Pre-Command Course – Standards of Conduct



Why do we care about NFEs? Because the Army cares and your superior leaders will care. More than that, many of these NFEs provide a defined benefit to the Army community and your Soldiers. Leaders want the best for our Soldiers and their Families – they want to be able to allow our Service Members to accept the generosity and appreciation of the public BUT ALSO we must remember that concerns over conflicts of interest and allowing individuals to use their public office for private gain have caused the Army and DoD to institute rules in dealing with these well-intentioned NFEs. Therefore, it is important to remember the general rules on the slide.

Endorsement is prohibited – both implied and stated.

Okay:

--use title and position to identify in performance of official duties.

--okay for offering SGLI program – not an endorsement in violation of JER.

Endorsement (JER 3-209): DOD Employees shall not endorse or appear to endorse in official capacity.

Check on Learning: None.

Review Summary: None.

ELO F - LSA 2. Learning Step / Activity ELO F - LSA 2. Limited Logistical Support to NFEs

Method of Instruction: Briefing

Instr Type(I:S Ratio/Qty): 27A(/0)

Time of Instruction: 0 hrs 10 mins

Instructional Strategy: Lecture

Media Type: PowerPoint Presentation

Security Classification: This course/lesson will present information that has a Security Classification of: U - Unclassified.

Note: Show Slide 30

Limited Logistical Support to NFEs (1 of 2)

Common Examples:

- DoD employees in their official capacities as speakers (seek public affairs guidance IAW AR 360-1)
- Use of DoD facilities and equipment (and the services of the DoD employees necessary to operate the equipment)
- May use official channels to notify Army personnel of events that support morale, welfare or professional development

Pre-Command Course – Standards of Conduct



Although we can't endorse or favor, we can, in certain circumstances provide limited logistical support IAW the JER. Some common examples of the support that we can provide are listed on the slide.

Note: Show Slide 31

Limited Logistical Support to NFEs (2 of 2)

But . . .

- No interference with duties/readiness
- Legitimate DOD interest & appropriate for support
- Event is of interest to civilian/military community
- *Willing to provide similar support to other similar events*
- No laws or regulations restricting support
- No admission fee beyond cost of event or DOD support is incidental

Pre-Command Course – Standards of Conduct



JER 3-211 Logistical Support

If NFE wants to use some portion of an installation or otherwise requests support for an event we can't do anything until we sure that the support would comply with the provisions of JER 3-211.

*First look to the local installation/command policy.

Then ask: (1) does it interfere with official duties?

(2) Does it serve an official interest?

(3) Is it appropriate for DoD involvement?

(4) Does it benefit the local community or DoD?

(5) ARE WE WILLING TO PROVIDE SAME SUPPORT TO SIM SITUATED ENTITIES?

This is probably the most important criteria to consider. Once we support one, because we can't discriminate or show favoritism, we have to be willing to support all other similarly situated NFEs that make similar requests.

(6) Does support violate or regulations?

(7) Admission fee charged?

There are several prohibitions that may come into play if a fee is charged for the event you are supporting. In these cases in particular, but also in all cases, consult your JA for clarification.

Check on Learning: None.

Review Summary: None.

Method of Instruction: Briefing
Instr Type(I:S Ratio/Qty): 27A(/0)
Time of Instruction: 0 hrs 5 mins
Instructional Strategy: Lecture
Media Type: PowerPoint Presentation
Security Classification: This course/lesson will present information that has a
Security Classification of: U - Unclassified.

Note: Show Slide 32

Personal Participation in an NFE

- Membership: OK, in personal capacity
- Management: OK, in personal capacity
- Endorsement: OK, but not official
- Fundraising: OK outside work, in personal capacity

Pre-Command Course – Standards of Conduct



- Subject to the provisions of the JER, DoD employees may voluntarily participate in activities of Private Organizations and other non-Federal entities as individuals in their personal capacities, provided they act exclusively outside the scope of their official positions.
- DoD employees may not use or allow the use of their official titles, positions or organization names in connection with activities performed in their personal capacities as this tends to suggest official endorsement or preferential treatment by DoD of any non-Federal entity involved. NOTE: Military grade and military department as part of an individual's name (Captain Smith, U.S. Army) may be used, the same as other conventional titles such as Mr. Ms., Doctor, or Honorable, in relationship to personal activities.
- The biggest issue in personal participation comes recognizing the potential conflicts of interest that exist. For example, you are in a private organization with a

subordinate. The subordinate approaches you and asks for a pass or time off so that he or she can prepare for the monthly private org. meeting. By virtue of your membership in the private org. you are conflicted out of approving the pass. This issue can come up in many different and unexpected ways.

- Fundraising: DO NOT SOLICIT SUBORDINATES EVEN IN YOUR PERSONAL CAPACITY OUTSIDE OF THE WORKPLACE

Background:

- JER §3-300, Personal Participation in Non-Federal Entities

Check on Learning: None.

Review Summary: None.

CHECK ON LEARNING (ELO F): None.

REVIEW SUMMARY(ELO F): None.

SECTION IV. SUMMARY

Method of Instruction:	Briefing
Instr Type(I:S Ratio/Qty):	27A (null:null/0)*
Time of Instruction:	10 mins
Instructional Strategy:	Lecture

Note: Marked as (*) is derived from the parent learning object

Check on Learning

None.

Review/ Summary

None.

SECTION V. STUDENT EVALUATION

Testing Requirements

NOTE: Describe how the student must demonstrate the accomplishment of the TLO. Refer student to the Student Evaluation Plan.

Feedback Requirements

NOTE: Feedback is essential to effective learning. Schedule and provide feedback on the evaluation and any information to help answer students questions about the test. Provide remedial training as needed.

Appendix A - Viewgraph Masters

Standards of Conduct 181-CCFS-C15 / Version 1

Sequence	Media Name	Media Type
None		

Appendix B - Test(s) and Test Solution(s)

Appendix C - Practical Exercises and Solutions

PRACTICAL EXERCISE(S)/SOLUTION(S) FOR LESSON 181-CCFS-C15 Version 1

Appendix D - Student Handouts

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Sequence	Media Name	Media Type
0	Complete Presentation	PPTX